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DUNNAVANT *v.* DUNNAVANT et al.

Jan. 11 1917.

[91 S. E. 138.]

1. **Lost Instruments (§ 8 (3)*)**—**Proof.**—The jurisdiction of equity to set up lost deeds or wills will not be lightly exercised, nor except upon the clearest and most stringent proof.

[Ed. Note.—For other cases, see *Lost Instruments*, Cent. Dig. § 17; Dec. Dig. § 8 (3).* 9 Va.-W. Va. Enc. Dig. 479.]

2. **Lost Instruments (§ 8 (3)*)**—**Proof.**—In action by son to establish lost deed by his father, evidence that the son had made no claim to the property for 29 years after he claimed the deed had been made, and his testimony that he left it for safekeeping with his sister, who kept it in a trunk to which the key hung near at hand, etc., held not sufficient to show the existence of the deed.

[Ed. Note.—For other cases, see *Lost Instruments*, Cent. Dig. § 17; Dec. Dig. § 8 (3).* 9 Va.-W. Va. Enc. Dig. 479.]

Appeal from Circuit Court, Henry County.

Suit by Richard A. Dunnavant against Thomas W. Dunnavant and others. From judgment for complainant, the named respondent appeals. Reversed, and bill dismissed.

Whittle & Whittle of Martinsville, for appellant.

Gravely & Gravely, of Martinsville, for appellees.

SHEPHERD et al. *v.* VIRGINIA STATE INS. CO. et al.

Jan. 11 1917.

[91 S. E. 140.]

Insurance (§ 8*)—**Insurance Fund—Reinsuring Companies—"Policies."**—The securities deposited by a fire insurance company under Insurance Act (Laws 1906, c. 112) subc. § 17, are for protection of holders of policies on property in the state, and not an insurance company reinsuring in the depositing company its risks on property outside the state, since said § 17 provides that "holders of all policies made with residents of this state" shall have a lien, etc., on such securities, for, although contracts of reinsurance are frequently designated as "policies," unless there is something in the context to indicate reinsurance, the use of the term "policy" in reference to fire insurance business naturally suggests, and will be understood as

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.